



THE ATTORNEY GENERAL  
OF TEXAS

JIM MATTON  
ATTORNEY GENERAL

August 30, 1990

Ms. Elizabeth V. Rodd  
Attorney for City of Garland  
P.O. Box 1725  
Austin, Texas 78767

OR90-417

Dear Ms. Rodd:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 9544.

The City of Garland received an open records request for "all invoices you have received or paid for 1990 relating to all aspects of the landfill cost in addition to the missing invoices July, August & September of 1989 for Lloyd, Gosselink, Ryan & Fowler." You indicate that the city has released to the requestor all of the requested invoices. You seek to withhold, however, certain information contained in one of the invoices that reveals the identity of a non-testifying expert the city has consulted in connection with a pending administrative hearing currently before the Texas Health Department. The identity of this type of consultant is not discoverable in administrative hearings, see V.T.C.S. art. 6252-13a, § 14a; Tex. R. Civ. Proc. 166b 3b. Because the information relates to pending litigation, you may withhold this information pursuant to section 3(a)(3) of the Open Records Act during the pendency of the hearing.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-417.

Yours very truly,

A handwritten signature in cursive script, reading "Jim Moellinger".

Jim Moellinger  
Assistant Attorney General  
Opinion Committee

JM/RWP/le

Ref.: ID# 9544, 9675, 10404

cc: Mary Ann Wooldridge  
2102 Cardinal Lane  
Garland, Texas 75042-8007